



Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 3727  
Examiner: N. Eloshway  
P.D. File No.: 30-3744CIP

In re Application of: IGOR PALLEY ET AL.

Serial No.: 08/717,042

Filed: September 20, 1996

For: BLAST RESISTANT AND BLAST DIRECTING CONTAINER AND ASSEMBLIES

Colonial Heights, Virginia 23834  
January 25, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE**  
**ACTION NOT RECEIVED**

Sir:

I hereby petition to withdraw the holding of abandonment in the above-referenced case and to revive same. The Notice of Abandonment dated October 1, 2004, was discovered by Applicants on January 23, 2006, as a result of searching status results on a Supplemental Information Disclosure Statement mailed filed July 25, 2005, on USPTO.gov web site.

Applicants' Legal Assistant, Becky Kirk reviewed this case and discovered no actions had been received subsequent to applicants' response on July 25, 2005. On January 23, 2006, Becky Kirk, Legal Assistant for applicant, discovered that this case had become abandoned by failure to respond to the Office Action of January 29, 2004, and a second mailing attempt on February 19, 2004. It was then discovered the Office Action and Notice of Abandonment were addressed to P.O. Box 31, Petersburg, VA instead of 15801 Woods Edge Road, Colonial Heights, VA. This is the reason that applicants did not receive the Office Action or the Notice of Abandonment, and therefore, request a Petition to Withdraw Holding of Abandonment for failure to receive the Office Action of January 29, 2004 and Notice of Abandonment of October 1, 2005.

I hereby state that the Examiner's Action of January 29, 2004 and second mailing of February 19, 2004 and the Notice of Abandonment of October 1, 2004 were not received. An extensive search of the file jacket and the docket records in my office

01/31/2006 RMEBRAHT 00000023 011125 08717042

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indicates that this Office Action and Abandonment were not received, as a result of the wrong mailing address. I attach a copy of the outside of the file jacket, where the decision would have been entered had it been received and docketed. Also attached is a page print from our IPMaster Data Control database that lists actions due and responses completed.

Applicants address changed from P.O. Box 31, Petersburg, VA 23842 to 15801 Woods Edge Road, Colonial Heights, VA 23834. The forwarding address expired on January 2, 2003, as evidenced by the letter dated December 3, 2002, from Jeffrey A. Harrison to the US Post Office. Applicants failed to submit a Change of Address form to the USPTO prior to the expiration of its Petersburg, VA address. Applicant attaches herewith a corrected Change of Correspondence Address form.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and the case revived, a copy of the Office Action be sent to Applicants, and the statutory period for response be reset to the re-mailing of the office action.

Applicants respectfully request that the petition fee of \$130.00 be charged to Account No. 01-1125. A duplicate copy of this petition is enclosed. Please charge Account No. 01-1125 for any fee deficiency or credit this account for any overpayment for this petition.

Respectfully submitted,  
IGOR PALLEY ET AL.

By: Virginia Szigeti  
Virginia Szigeti (Andrews)  
Applicants' Attorney  
Reg. No. 29,039

Honeywell International Inc.  
15801 Woods Edge Road  
Colonial Heights, VA 23834  
VS/rbk

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
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ON: January 27, 2006  
DATE  
Virginia Szigeti (Andrews)  
NAME OF APPLICANT, ASSIGNEE OR APPLICANT'S ATTORNEY  
Virginia Szigeti  
SIGNATURE  
January 27, 2006  
DATE





Notice of Abandonment from website

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496	
7590	10/01/2004	EXAMINER			
ELOSHWAY, NIKI MARINA					
ART UNIT	PAPER NUMBER	3727			

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	08/717,042	PALLEY ET AL.
	Examiner	Art Unit
	Niki M. Ełoszway	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

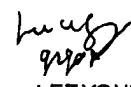
This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 19 February 2004.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
 

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

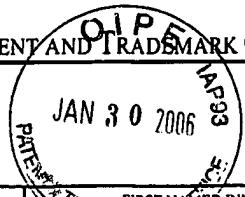
  
**Niki M. Ełoszway**  
 Patent Examiner

  
**LEE YOUNG**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE



Office Action 1/29/04

m4

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 01/29/2004

VIRGINIA S. ANDREWS  
ALLIEDSIGNAL INC  
LAW DEPARTMENT  
P O BOX 31  
PETERSBURG, VA 23804

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
3727	31

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b> <i>30 2006</i>	Application No.	Applicant(s)
	08/717,042	PALLEY ET AL.
Examiner <i>Niki M. Eloshway</i>	Examiner	Art Unit
	Niki M. Eloshway	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 November 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3-11,13-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-11,13-47 and 51-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: **ATT. 1**

## DETAILED ACTION

### *Introduction*

1. This Action was necessitated by the newly presented argument regarding claims 21, 22 and 24, set forth in the Appeal Brief filed November 5, 2003.

### *Election/Restriction*

2. Claims 12, 48-50 and 54-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made without traverse in Paper No. 11.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807). Sacks discloses the claimed invention except for the blast mitigating material. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Sacks teaches a container set forth in col. 1 line 43 through col. 2 line 23. The bands of Sacks can be made of SPECTRA, as set forth in col. 1 lines 33-42. This SPECTRA material is the same material used in applicant's invention, and therefore has the same characteristics.

Regarding claims 21, 22 and 24, Applicant states in the Appeal Brief filed November 5, 2003 that at the time of the Sacks invention the "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths." Evidence has not been presented by Applicant to defend such a statement.

5. Claims 10, 11, 13-19, 33-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807) and Lewis (U.S. 0,674,009). Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material forming bands. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

6. Claims 1, 3, 4, 7, 9, 20, 23, 27, 29, 31, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gentle et al. Sacks discloses the claimed invention except for the blast mitigating material. Gentle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807), as applied to claim 20, and further in view of Harpell et al. (U.S. 4,623,574). To the degree that applicant argues that the SPECTRA material used by Sacks did not have at least 75 percent of its fibers substantially continuous. Harpell et al. teaches that it is known to provide a material wherein the fibers are wound around an article. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with at least 75 percent of the fibers being substantially continuous, in order to increase the strength of the band.

8. Claims 32, 33, 35, 38, 42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. and Lewis. Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material being bands. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

***Response to Arguments***

9. Applicant's arguments filed November 5, 2003 have been fully considered but they are not persuasive.

**A. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52**

Applicant argues that Sacks "fails to teach a collapsible container or a container of blast resistant material" (page 6 of Appeal Brief, filed November 5, 2003). It is the examiner's position that that the cover of Sacks meets the limitations of the collapsible container set forth in the claims. A container is defined in Webster's Ninth New Collegiate Dictionary (1990) as "one that contains; esp : a receptacle or a flexible covering for the shipment of goods" (see Attachment 1). The cover of Sacks contains the rigid container and it is a flexible covering for the shipment of goods. This cover of Sacks is made from "high tensile strength, high stretch resistant flexible material", as described on page 6 of the Appeal Brief filed November 5, 2003. This material allows the cover to be considered collapsible, as set forth in the pending claims.

Regarding claims 21, 22 and 24, Applicant argues that Sacks does not teach or suggest that at least about 75 weight percent of the fibers are continuous lengths of fiber that encircle the enclosed volume. In col. 1 line 65 through col. 2 line 7, Sacks sets forth a cover comprised of three panels of material. The third panel is wound around the enclosed volume and has its ends connected together. This third panel encircles the volume by forming a closed loop or closed bland of material. Sacks teaches the use of woven and non-woven fabric, such as SPECTRA and SPECTRASHIELD (col. 1 lines 37-39).

Applicant argues that "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths" (page 6 of the Appeal Brief filed November 5, 2003) at the time of the Sacks invention. The patent of Harpell et al. (U.S.

4,623,574) teaches that it was known by 1986 that layers of fibers could be arranged to extend in parallel direction. Harpell et al. also teaches that continuous lengths of yarn could be wrapped around an article.

Regarding the McDonald reference, Applicants argue that the foam balls of MacDonald et al. "will not make the standard container disclosed by Sacks effective to withstand a blast" (page 7 of Appeal Brief filed November 5, 2003). The examiner disagrees with this position. The foam balls of MacDonald would aid in reducing or mitigating the effects of a blast, to the degree set forth in the claims. Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 47, 51 and 52, Applicant argues that the claimed container has two open sides. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 47 is an open claim which sets forth a band of material. It does not set forth that the container is open on two sides. Sacks teaches a band of material in col. 2 lines 4-7. It is unclear why the cover of Sacks is not considered a container by Applicants but the band of material can be considered a container by Applicants.

B. Claims 10-11, 13-19, 33-43 and 45

Applicant argues that the panels of Sacks are not bands. The examiner disagrees with this position. Sacks teaches a third panel which encircles the volume and has its ends connected together

(col. 2 lines 4-7). In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). These claims are rejected over Sacks as modified by MacDonald and Lewis. The reference of Lewis teaches a container formed by three thin, flat, volume-encircling strips or bands. The first and second panels of Sacks are modified by the structure of the panels of Lewis, such that the first and second panels of Sacks become volume-encircling. Furthermore, it should be noted that applicants have not set forth in the claims or in the definition of band that the bands must be a closed loop.

C. Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 47 and 53

Regarding the Gettle et al. reference, Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D. Claims 32-33, 35, 38, 42, 44 and 46

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

*Conclusion*

10. In view of the new grounds of rejection for claims 21, 22 and 24, which was necessitated by the newly presented argument regarding the SPECTRA Fibers, **THIS ACTION IS MADE NON-FINAL.**

11. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme  
Patent Examiner  
January 23, 2004



LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Attachment 1



WEBSTER'S

# Ninth New Collegiate Dictionary

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1. English language—Dictionaries.

PE1628.W5638 1990

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89-38961  
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353637383940RMcN90

constructive \kən-'struk-tiv\ adj (1680) 1: declared such by judicial construction or interpretation (~ fraud) 2: of or relating to construction or creation 3: promoting improvement or development (~ criticism) — constructively \kən-'struk-tiv-ē\ adv — constructiveness n  
 constructivism \kən-'struk-tiv-izm\ n, often cap (1923) : a nonobjective art movement originating in Russia and concerned with formal organization of planes and expression of volume in terms of modern industrial materials (as glass and plastic) — constructivist \kən-'struk-tiv-ist\ adj or n, often cap  
 construct \kən-'strükt\ vb constructed; constructing [ME *construēn*, fr. L *construere* fr. *L* to construct] vi (14c) 1: to analyze the arrangement and connection of words in a sentence or sentence part 2: to understand or explain the sense or intention of usu. in a particular way or with respect to a given set of circumstances (construed my actions as hostile) ~ vi: to construe a sentence or sentence part esp. in connection with translating — constructible \kən-'strü-bəl\ adj  
 construct \kən-'strükt\ n (1844) : an act of construing esp. by piecemeal translation; also: the translated version resulting from such an act  
 co-substantial \kən(t)-səb-stan-shəl\ adj [L *co-substantialis* fr. *L* *com* + *substantia* substance] (14c) : the same substance  
 co-substitution \kən(t)-səb-stan-shən\ n (1597) : the actual substantial presence and combination of the body of Christ with the eucharistic bread and wine according to a teaching associated with Martin Luther — compare TRANSUSTANTIATION  
 consuetude \kən(t)-swü-tüd\ n (yld, kən-sü-tüd\ n [ME, fr. L *consuetudo* — more at *custom*] (14c) : social usage: CUSTOM — consuetudinary \kən(t)-swü-tüd-ēr-ē\ adj or n (yld, kən-sü-tüd-ēr-ē\ adj)  
 consul \kən(t)-sü'l\ n [ME, fr. L *consul* to consult] (14c) 1: a: either of two annually elected chief magistrates of the Roman republic b: one of three chief magistrates of the French republic from 1799 to 1804 2: an official appointed by a government to reside in a foreign country to represent the commercial interests of citizens of the appointing country — consulat \kən(t)-sü'l-ä-täf\ adj — consulship \kən(t)-sü'l-ä-ship\ n  
 consult \kən(t)-sült\ n (14c) 1: a government by *consuls* 2: the office, term of office, or jurisdiction of a *consul* 3: the residence or official premises of a *consul*  
 consultative general \kən(t)-sült-ä-tiv\ adj consults general (1883) : the residence, office, or jurisdiction of a *consul general*  
 consul general \kən(t)-sü'l-ä-täf\ adj (1812) : a consul of the first rank stationed in an important place or having jurisdiction in several places or over several *consulates*  
 consult \kən(t)-sült\ vb [MF or L: MF *consulter*, fr. L *consultere*, fr. *consul*, pp. of *consulere* to deliberate, counsel, consult] vi (1527) 1: to have regard to: CONSIDER 2 a: to ask the advice or opinion of (~ a doctor) b: to refer to (~ a dictionary) ~ vi 1: to consult an individual 2: to deliberate together: CONFER 3: to serve as a consultant — *consultant* n  
 consult \kən(t)-sült, kən-sült\ n (1560) : CONSULTATION  
 consultancy \kən(t)-sült-n-sé\ n pl -cies (1955) 1: CONSULTATION 2: an agency that provides consulting services 3: the position of a consultant  
 consultant \kən(t)-sült-änt\ n (1697) 1: one who consults another 2: one who gives professional advice or services: EXPERT — consultantship n  
 consultation \kən(t)-sült-shən\ n (15c) 1: COUNCIL, CONFERENCE; specifically: a deliberation between physicians on a case or its treatment 2: the act of consulting or conferring  
 consultative \kən(t)-sült-tiv, \kən(t)-sült-täf-iv\ adj (1583) 1: of, relating to, or intended for consultation: ADVISORY (~ committee) 2: consulting \kən(t)-sült-ing\ adj (1801) 1: providing professional or expert advice (a ~ architect) 2: of or relating to consultation or a consultant (the ~ room of a psychiatrist)  
 consultive \kən(t)-sült-iv\ adj (1616) : CONSULTATIVE  
 consultor \kən(t)-sült-tör\ n (ca. 1611) : one that consults or advises; esp.: an adviser to a Roman Catholic bishop, provincial, or sacred congregation  
 consumable \kən(t)-sülm-bəl\ adj (1641) : capable of being consumed  
 consumable n (1802) : something (as food or fuel) that is consumable — usu. used in pl.  
 consume \kən(t)-sülm\ vb consumed; consuming [ME *consumen*: fr. MF or L: MF *consumer*, fr. L *consumere* 'to consume' + *sumere* 'to take up, take, fr. sub- up + *enire* to take — more at SUB-: REDEEM] vi (14c) 1: to do away with completely: DESTROY (fire consumed several buildings) 2 a: to spend wastefully: SQUANDER b: to USE UP (writing consumed much of his time) 3: to eat or drink esp. in great quantity (consumed several kegs of beer) 4: to engage fully: ENROSS (consumed with curiosity) ~ vi 1: to waste or burn away: PERISH 2: to utilize economic goods  
 consumer \kən(t)-sülm\ n (ca. 1707) : as consumed: EXCESSIVELY  
 consumer \kən(t)-sülm-n, often attrib (15c) : one that consumes: as: a: one that utilizes economic goods b: an organism requiring complex organic compounds for food which it obtains by preying on other organisms or by eating particles of organic matter — compare PRODUCER 4: consumership \kən(t)-sülm-ship\ n  
 consumer credit n (1927) : credit granted to an individual esp. to finance the purchase of consumer goods or to defray personal or family expenses  
 consumer goods n pl (1890) : goods that directly satisfy human wants w consumerism \kən(t)-sülm-izm\ n (1944) 1: the promotion of the consumer's interests 2: the theory that an increasing consumption of goods is economically desirable; also: a preoccupation with and an inclination toward the buying of consumer goods — consumerist \kən(t)-sülm-ist\ n  
 consumer price index n (ca. 1948) : an index measuring the change in the cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of these same goods and services in some base period — called also cost-of-living index  
 consuming \kən(t)-sülm-ing\ adj (1920) : deeply felt: ARDENT (a ~ interest) also: ENROSSING  
 consummate \kən(t)-sülm-ət, \kən(t)-sülm-ət\ adj [ME, fr. L *consummatus*, pp. of *consumere* to sum up, finish; fr. *com* + *summa* sum] (15c) 1: complete in every detail: PERFECT 2: extremely skilled and

accomplished (a ~ liar) 3: of the highest degree (~ skill) (city) — consummate \kən(t)-sülm-ət\ vb -mat-ed; -mating vi (1510) 1: FINISH, COMPLETE (~ a business deal) b: to make perfect (~ a marriage) ~ vi: to become perfected — consummate \kən(t)-sülm-ət-iv, \kən(t)-sülm-ət-iv, adj — consummate \kən(t)-sülm-ət-iv  
 consumption \kən(t)-sülm-pshən\ n (14c) 1: the act of consuming (the ~ of a contract by mutual signature); specifically: the consumption of a marriage 2: the ultimate end: FINISH  
 consumptionary \kən(t)-sülm-ər-ē\ adj (1648) 1: of or relating to consumption: CONCLUDING 2: of, relating to, or being a person or act (as eating or copulating) that terminates a period of use or directed behavior  
 consumption \kən(t)-sülm-pshən\ n [ME *consumpcion*, fr. L *consumption*, *consumptus*, pp. of *consumere*] (14c) 1: progressive wasting away of the body esp. from pulmonary tuberculosis 2: the act or process of consuming 3: utilization of economic goods in the satisfaction of wants or a process of production resulting chiefly in their destruction, deterioration, or transformation  
 consumptive \kən(t)-sülm-p-tiv\ adj (1647) 1: tending to consume; of, relating to, or affected with consumption — consumptively consumptive n (1666) : a person affected with consumption  
 contact \kən(t)-täkt\ n [Fr or L F, fr. L *contactus*, fr. *contactus* — *contingere* to have contact with] — more at CONTINGENT (1626) 1: union or junction of surfaces 2: the apparent touching or mutual tangency of the limbs of two celestial bodies or of the disk of one body with the shadow of another during an eclipse, transit, or occultation (1) : the junction of two electrical conductors through which a current passes (2) : a special part made for such a junction 3: a: ASSOCIATION, RELATIONSHIP b: CONNECTION, COMMUNICATION c: direct visual observation of the earth's surface made from an airplane esp. as to navigation d: an establishing of communication with someone or observing or receiving (a) a significant signal from a person or object (radar ~ with Mars) 3: one serving as a carrier or source 4: TACT LENS  
 contact \kən(t)-täkt, kən-sükt\ vi (1834) : to make contact ~ n 1: to bring into contact 2: a: to enter or be in contact with: join b: to get in communication with (~ your local dealer) usage A few stalwart defenders of the language still object to the use of *contact* as a verb, esp. in sense 2b. But most commentators concur that it has become established as standard  
 contact \kən(t)-täkt, adj (1859) : maintaining, involving, or activated by contact (~ poisons) (~ sports)  
 contact flying \kən(t)-täkt-fē\ n (1938) : navigation of an airplane by means of direct observation of landmarks  
 contact inhibition \kən(t)-täkt-in-hib-shən\ n (1965) : cessation of cellular multiplying movements upon contact with other cells with accompanying cessation of cell growth and division  
 contact lens \kən(t)-täkt-ləns\ n (1888) : a thin lens designed to fit over the cornea  
 contact print \kən(t)-täkt-print\ n (1890) : a photographic print made via the negative in contact with the sensitized paper, plate, or film  
 contagion \kən(t)-täng-shən\ n [ME, fr. MF & L: MF, fr. L *contagion*, fr. *contagere* to pass on, to have contact with; *politus*] (14c) 1: a: the transmission of a disease by direct or indirect contact b: a contagious disease c: a disease-producing agent (as a virus) 2: a: POISON b: contagious influence; quality; or nature c: corrupting influence or contact 3: a: rapid communication of an influence (as a doctrine or emotional state) b: an influence that spreads rapidly  
 contagious \kən(t)-täng-shəs\ adj (15c) 1: communicable by contact: CATCHING (~ diseases) 2: bearing contagion 3: used for contagious disease (a ~ ward) 4: exciting similar emotions or conduct in others (~ enthusiasm) — contagiously \kən(t)-täng-shəs-ē\ adv — contagiousness n  
 contagious abortion n (1910) : a contagious or infectious disease (as brucellosis) of domestic animals characterized by abortion  
 contagium \kən(t)-täng-yüüm\ n pl -gia \kən(t)-täng-yüüm\ [L: contagion, fr. *contagere*] (1870) : a virus or living organism capable of causing a communicable disease  
 contain \kən(t)-täin\ vb [ME *continen*, fr. L *continere* to hold together, hold in, contain, fr. *com* + *tenere* to hold — more at THIN] vi (13c) 1: to keep within limits: as a: RESTRAIN, CONTROL b: CHECK, HALT c: to follow successfully a policy of containment toward d: to prevent (an enemy or opponent) from advancing or from making a successful attack 2: a: to have within: HIDE b: COMprise, INCLUDE 3: a: to be divisible by usu. without a remainder b: ENCLOSE, BOUND ~ vi: to restrain oneself — containable \kən(t)-täin-bəl\ adj  
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<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under
		08/717,042	Reexamination PALLEY ET AL.
Examiner	Niki M. Eloshway	Art Unit 3727	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,623,574	11-1986	Harpell et al.	428/113
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

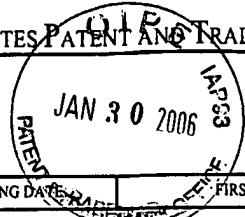
**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 02/19/2004

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3727

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DATE MAILED: 02/19/2004

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 01/29/2004

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ART UNIT

PAPER NUMBER

3727

DATE MAILED: 01/29/2004

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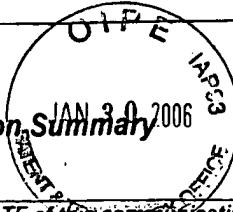
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TECHNOLOGY CENTER R3700

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Remailed  
2/9/04

Office Action Summary



Application No.	PALLEY ET AL.	
08/717,042	Examiner	Art Unit
	Niki M. Eloshway	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 November 2003.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-11,13-47 and 51-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1,3-11,13-47 and 51-53 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.  
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.  
4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: ATT.1

**DETAILED ACTION**

*Introduction*

1. This Action was necessitated by the newly presented argument regarding claims 21, 22 and 24, set forth in the Appeal Brief filed November 5, 2003.

*Election/Restriction*

2. Claims 12, 48-50 and 54-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made without traverse in Paper No. 11.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807). Sacks discloses the claimed invention except for the blast mitigating material. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Sacks teaches a container set forth in col. 1 line 43 through col. 2 line 23. The bands of Sacks can be made of SPECTRA, as set forth in col. 1 lines 33-42. This SPECTRA material is the same material used in applicant's invention, and therefore has the same characteristics.

Regarding claims 21, 22 and 24, Applicant states in the Appeal Brief filed November 5, 2003 that at the time of the Sacks invention the "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths." Evidence has not been presented by Applicant to defend such a statement.

5. Claims 10, 11, 13-19, 33-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807) and Lewis (U.S. 0,674,009). Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material forming bands. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

6. Claims 1, 3, 4, 7, 9, 20, 23, 27, 29, 31, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. Sacks discloses the claimed invention except for the blast mitigating material. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807), as applied to claim 20, and further in view of Harpell et al. (U.S. 4,623,574). To the degree that applicant argues that the SPECTRA material used by Sacks did not have at least 75 percent of its fibers substantially continuous. Harpell et al. teaches that it is known to provide a material wherein the fibers are wound around an article. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with at least 75 percent of the fibers being substantially continuous, in order to increase the strength of the band.

8. Claims 32, 33, 35, 38, 42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. and Lewis. Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material being bands. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

*Response to Arguments*

9. Applicant's arguments filed November 5, 2003 have been fully considered but they are not persuasive.

A. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52

Applicant argues that Sacks "fails to teach a collapsible container or a container of blast resistant material" (page 6 of Appeal Brief, filed November 5, 2003). It is the examiner's position that that the cover of Sacks meets the limitations of the collapsible container set forth in the claims. A container is defined in Webster's Ninth New Collegiate Dictionary (1990) as "one that contains; esp : a receptacle or a flexible covering for the shipment of goods" (see Attachment 1). The cover of Sacks contains the rigid container and it is a flexible covering for the shipment of goods. This cover of Sacks is made from "high tensile strength, high stretch resistant flexible material", as described on page 6 of the Appeal Brief filed November 5, 2003. This material allows the cover to be considered collapsible, as set forth in the pending claims.

Regarding claims 21, 22 and 24, Applicant argues that Sacks does not teach or suggest that at least about 75 weight percent of the fibers are continuous lengths of fiber that encircle the enclosed volume. In col. 1 line 65 through col. 2 line 7, Sacks sets forth a cover comprised of three panels of material. The third panel is wound around the enclosed volume and has its ends connected together. This third panel encircles the volume by forming a closed loop or closed bland of material. Sacks teaches the use of woven and non-woven fabric, such as SPECTRA and SPECTRASHIELD (col. 1 lines 37-39).

Applicant argues that "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths" (page 6 of the Appeal Brief filed November 5, 2003) at the time of the Sacks invention. The patent of Harpell et al. (U.S.

4,623,574) teaches that it was known by 1986 that layers of fibers could be arranged to extend in parallel direction. Harpell et al. also teaches that continuous lengths of yarn could be wrapped around an article.

Regarding the McDonald reference, Applicants argue that the foam balls of MacDonald et al. "will not make the standard container disclosed by Sacks effective to withstand a blast" (page 7 of Appeal Brief filed November 5, 2003). The examiner disagrees with this position. The foam balls of MacDonald would aid in reducing or mitigating the effects of a blast, to the degree set forth in the claims. Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 47, 51 and 52, Applicant argues that the claimed container has two open sides. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 47 is an open claim which sets forth a band of material. It does not set forth that the container is open on two sides. Sacks teaches a band of material in col. 2 lines 4-7. It is unclear why the cover of Sacks is not considered a container by Applicants but the band of material can be considered a container by Applicants.

**B. Claims 10-11, 13-19, 33-43 and 45**

Applicant argues that the panels of Sacks are not bands. The examiner disagrees with this position. Sacks teaches a third panel which encircles the volume and has its ends connected together

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(col. 2 lines 4-7). In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). These claims are rejected over Sacks as modified by MacDonald and Lewis. The reference of Lewis teaches a container formed by three thin, flat, volume-encircling strips or bands. The first and second panels of Sacks are modified by the structure of the panels of Lewis, such that the first and second panels of Sacks become volume-encircling. Furthermore, it should be noted that applicants have not set forth in the claims or in the definition of band that the bands must be a closed loop.

C. Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 47 and 53

Regarding the Gettle et al. reference, Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be container without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D. Claims 32-33, 35, 38, 42, 44 and 46

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

*Conclusion*

10. In view of the new grounds of rejection for claims 21, 22 and 24, which was necessitated by the newly presented argument regarding the SPECTRA Fibers, **THIS ACTION IS MADE NON-FINAL.**

11. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme  
Patent Examiner  
January 23, 2004



LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700



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**08/717,042**
**BLAST RESISTANT AND BLAST DIRECTING C**

Application Data	Transaction History	Image File Wrapper	Continuity Data	Address & Attorney/Agent
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Date	Content
10-01-2004	<b>Mail Abandonment for Failure</b>
09-30-2004	Abandonment for Failure to Res
02-19-2004	<b>Mail Notice of Restarted Respo</b>
02-18-2004	Letter Restarting Period for Res
01-29-2004	<b>Mail Non-Final Rejection</b>
01-26-2004	Non-Final Rejection
11-18-2003	<b>Date Forwarded to Examiner</b>
11-05-2003	Appeal Brief Filed
11-05-2003	<b>Request for Extension of Time</b>
05-06-2003	Notice of Appeal Filed
05-06-2003	<b>Request for Extension of Time</b>
11-04-2002	Mail Final Rejection (PTOL - 326)
11-04-2002	<b>Final Rejection</b>
08-28-2002	Date Forwarded to Examiner
08-27-2002	<b>Response after Non-Final Acti</b>
08-27-2002	Request for Extension of Time -
04-09-2002	<b>Mail Non-Final Rejection</b>
04-08-2002	Non-Final Rejection
01-29-2002	<b>Date Forwarded to Examiner</b>
12-27-2001	Response after Non-Final Acti
12-27-2001	<b>Request for Extension of Time</b>
06-27-2001	Mail Non-Final Rejection
06-26-2001	<b>Non-Final Rejection</b>
05-23-2001	Date Forwarded to Examiner
04-30-2001	<b>Appeal Brief Filed</b>

05-10-2001	Withdraw Publication/Pre-Exam
<b>04-30-2001</b>	<b>Petition to Revive Application</b>
04-17-2001	Petition Entered
<b>01-18-2001</b>	<b>Mail Abandonment for Failure</b>
01-16-2001	Abandonment for Failure to Resi
<b>05-01-2000</b>	<b>Notice of Appeal Filed</b>
05-01-2000	Request for Extension of Time -
<b>10-26-1999</b>	<b>Mail Final Rejection (PTOL - 3)</b>
10-25-1999	Final Rejection
<b>08-12-1999</b>	<b>Terminal Disclaimer Approved</b>
08-12-1999	Date Forwarded to Examiner
<b>08-09-1999</b>	<b>Response after Non-Final Acti</b>
08-09-1999	Request for Extension of Time -
<b>03-08-1999</b>	<b>Mail Non-Final Rejection</b>
03-01-1999	Non-Final Rejection
<b>12-16-1998</b>	<b>Date Forwarded to Examiner</b>
12-10-1998	Response after Non-Final Acti
<b>12-10-1998</b>	<b>Request for Extension of Time</b>
10-16-1998	Information Disclosure Statemer
<b>06-03-1998</b>	<b>Mail Non-Final Rejection</b>
05-26-1998	Non-Final Rejection
<b>03-17-1998</b>	<b>Date Forwarded to Examiner</b>
03-09-1998	Response to Election / Restrictio
<b>02-03-1998</b>	<b>Mail Restriction Requirement</b>
01-30-1998	Requirement for Restriction / Ele
<b>01-21-1998</b>	<b>Communication - Re: Power o</b>
11-10-1997	Change in Power of Attorney (M
<b>09-26-1997</b>	<b>Information Disclosure Statem</b>
03-17-1997	Information Disclosure Statemer
<b>01-24-1997</b>	<b>Case Docketed to Examiner in</b>
11-25-1996	Information Disclosure Statemer
<b>12-31-1996</b>	<b>Application Captured on Micro</b>
12-19-1996	Application Is Now Complete
<b>11-05-1996</b>	<b>Notice Mailed--Application Inc</b>
10-02-1996	Initial Exam Team nn

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08/717,042 BLAST RESISTANT AND BLAST DIRECTING C

Application Data	Transaction History	Image File Wrapper	Continuity Data	Address & Attorney/Agent
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Application Number:	08/717,042				Customer
Filing or 371 (c) Date:	09-20-1996				Status:
Application Type:	Utility				Status D
Examiner Name:	ELOSHWAY, NIKI MARINA				Location
Group Art Unit:	3727				Location
Confirmation Number:	6496				Earliest I
Attorney Docket Number:	30-3744CIP				Earliest I
Class / Subclass:	220/001.500				Patent N
First Named Inventor:	IGOR PALLEY, MADISON, NJ (US)				Issue Date
Title of Invention:	BLAST RESISTANT AND BLAST DIF				

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08/717,042

BLAST RESISTANT AND BLAST DIRECTING C

Application Data	Transaction History	Image File Wrapper	Continuity Data
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Address &	Attorney/Agent
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This application is officially maintained in electronic form. To View: C  
Print: Check the desired document(s) and click StartDownload.

Mail Room Date	↑ Document Description ↓
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07-27-2005	<b>Petition for review and processing depending on status</b>
07-27-2005	Information Disclosure Statement (IDS) Filed
<b>07-27-2005</b>	<b>Foreign Reference</b>
10-01-2004	Mail returned to USPTO as undelivered
<b>10-01-2004</b>	<b>Abandonment</b>
02-19-2004	Non-Final Rejection
<b>02-19-2004</b>	<b>List of references cited by examiner</b>
01-29-2004	Non-Final Rejection
<b>01-29-2004</b>	<b>List of references cited by examiner</b>
01-20-2004	Examiner's search strategy and results
<b>11-05-2003</b>	<b>Appeal Brief Filed</b>
05-06-2003	Notice of Appeal Filed
<b>11-04-2002</b>	<b>Final Rejection</b>
08-27-2002	Miscellaneous Incoming Letter
<b>08-27-2002</b>	<b>Amendment - After Non-Final Rejection</b>

08-27-2002	Applicant Arguments or Remarks Made in a Amendment
<b>04-09-2002</b>	<b>Non-Final Rejection</b>
12-27-2001	Amendment - After Non-Final Rejection
<b>12-27-2001</b>	<b>Applicant Arguments or Remarks Made in an Amendment</b>
06-27-2001	Non-Final Rejection
<b>06-27-2001</b>	<b>List of references cited by examiner</b>
04-30-2001	Petition Decision
<b>04-17-2001</b>	<b>Petition Entered</b>
04-17-2001	Appeal Brief Filed
<b>01-18-2001</b>	<b>Abandonment</b>
05-01-2000	Notice of Appeal Filed
<b>10-26-1999</b>	<b>Final Rejection</b>
08-09-1999	Amendment - After Non-Final Rejection
<b>08-09-1999</b>	<b>Claims</b>
08-09-1999	Applicant Arguments or Remarks Made in a Amendment
<b>03-08-1999</b>	<b>Non-Final Rejection</b>
03-08-1999	List of references cited by examiner
<b>03-08-1999</b>	<b>List of References cited by applicant or considered by examiner</b>
12-10-1998	Amendment - After Non-Final Rejection
<b>12-10-1998</b>	<b>Applicant Arguments or Remarks Made in an Amendment</b>
12-10-1998	Terminal Disclaimer Filed
<b>10-16-1998</b>	<b>Information Disclosure Statement (IDS) Filed</b>
06-03-1998	Non-Final Rejection
<b>06-03-1998</b>	<b>List of references cited by examiner</b>
06-03-1998	List of References cited by applicant and considered by examiner
<b>03-09-1998</b>	<b>Amendment - After Non-Final Rejection</b>
02-03-1998	Requirement for Restriction/Election

01-21-1998	<u>Miscellaneous Action with SSP</u>
11-10-1997	Foreign Reference
<b>11-10-1997</b>	<b>Foreign Reference</b>
11-10-1997	Foreign Reference
<b>11-10-1997</b>	<b>Foreign Reference</b>
11-10-1997	Power of Attorney. (may include Associate POA)
<b>11-10-1997</b>	<b>Information Disclosure Statement (IDS) Filed</b>
11-10-1997	NPL Documents
<b>11-10-1997</b>	<b>Foreign Reference</b>
11-10-1997	NPL Documents
<b>11-10-1997</b>	<b>NPL Documents</b>
09-26-1997	Foreign Reference
<b>09-26-1997</b>	<b>Information Disclosure Statement (IDS) Filed</b>
09-26-1997	NPL Documents
<b>03-17-1997</b>	<b>Foreign Reference</b>
03-17-1997	Information Disclosure Statement (IDS) Filed
<b>03-17-1997</b>	<b>NPL Documents</b>
12-02-1996	Miscellaneous Incoming Letter
<b>12-02-1996</b>	<b>Oath or Declaration filed</b>
11-25-1996	Information Disclosure Statement (IDS) Filed
<b>11-05-1996</b>	<b>Miscellaneous Action with SSP</b>
09-20-1996	Issue, Information, including <u>classification</u> , examiner, name, claim, renumbering, etc.
<b>09-20-1996</b>	<b>Search information including classification, databases and other sea related notes</b>
09-20-1996	Index of Claims
<b>09-20-1996</b>	<b>Transmittal letter</b>
09-20-1996	Drawings
<b>09-20-1996</b>	<b>Specification</b>

09-20-1996	Claims
<b>09-20-1996</b>	<b>Abstract</b>
09-20-1996	Oath or Declaration filed
<b>09-20-1996</b>	<b>Fee Worksheet (PTO-875)</b>
09-20-1996	Fee Worksheet (PTO-875)

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**Performance Polymers**

Jeffrey A. Harrison  
Honeywell Polymers Technical Center  
15801 Woods Edge Road  
Colonial Heights, VA 23834  
(804) 520-3027  
(804) 520-3791 Fax

December 3, 2002

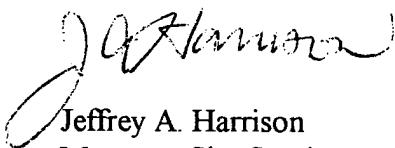
U.S. Post Office  
29 Franklin Street  
Petersburg, VA 233803

Postmaster:

Please discontinue the use of the Honeywell Technical Center Postage-Due Account effective January 2, 2003. We will also submit a change of address form so that mail received at P.O. Box 31 will be forwarded to 15801 Woods Edge Road, Colonial Heights, Va 23834. I understand that mail be forwarded for one year to the new address.

If you need more information, please call me at the phone number shown above.

Thank You,



Jeffrey A. Harrison  
Manager, Site Services

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H O N E Y W I F E L L T E C H C T R

6. Print First Name (or Initial) and Middle Name (or Initial). Leave blank if for a business.

7a. Print OLD mailing address: House/Building Number and Street Name (include St., Ave., Rd., Ct., etc.).  
Apt./Suite No. or PO Box No. or  RR/  HCR (Check one) RR/HCR Box No.  
131

City State ZIP Code ZIP+4  
PIETERTSBURG VA 23803 -

7b. Print NEW mailing address: House/Building Number and Street Name (include St., Ave., Rd., Ct., etc.).  
Apt./Suite No. or PO Box No. /  PMB No. (Check one) or  RR/  HCR  PMB No./  RR/HCR Box No.  
15801 W 0 0 D 5 E D G E R O A D

City State ZIP Code ZIP+4  
C O L O N I A L H E I G H T S V A 23834 -

9. Sign and Print Name (see conditions on reverse)  
Sign: J. A. Harrison  
Print: J. A. HARRISON

10. Date Month Day Year  
Signed: 1 2 0 4 0 2

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 Country: United States      Agent: RENEE RYMARZ  
 Case Type: Regular      Charge SBE: HIGH PERF FIBERS - SPECTRA  
 Relation Type: Continuation-In-Part      Current Owner: ALLIEDSIGNAL INC.  
 Filing Type: National      Source SBU:  
 Filing Number: 01      File Location: P8

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Other Nos Filing Data	Related Id Related Party Info	Title Storage	Text Actions	Reel/Frame Abstract	Patent Product M.	Authorized Vendo	Inventors	Licenses
			Action	Action Due Date	Completed Date	Responsible Atty #1		
Info Disc1 Statement				10/13/1998				
Abandoned					1/18/2001			
PETITION TO REVIVE					4/11/2001			
Info Disc1 Statement					7/25/2005			
Info Disc1 Statement					7/25/2005			duplicate entry
MISSING PART				12/5/1996	11/26/1996			
Info Disc1 Statement				12/20/1996	11/20/1996			
DISCLOSURE STATEMENT				5/19/1997	3/14/1997			
Review For Foreign Filing				6/20/1997	9/20/1997			
DISCLOSURE STATEMENT				11/22/1997	9/19/1997			
DISCLOSURE STATEMENT				12/11/1997	11/6/1997			
Response Due				3/3/1998	3/5/1998			
Response Due				9/3/1998	12/3/1998			
Amendment				6/8/1999	8/3/1999			
Notice of Appeal Due				1/26/2000	4/26/2000			

Created: 10/25/1996 Updated: 7/25/2005 2:43:45 PM By: RBK

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 County: United States      Agent: RENEE RYMARZ  
 Case Type: Regular      Charge SBE: HIGH PERF FIBERS - SPECTRA  
 Relation Type: Continuation-In-Part      Current Owner: ALLIEDSIGNAL, INC.  
 Filing Type: National      Source SBU:   
 Filing Number: 01      File Location: PB

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Other Nos Filing Data	Related Id Related Party Info	Title Storage	Text Actions	Reel/Frame Abstract	Patent Product M Expenses	Authorized Vendor Inventors	Licenses
Status: Filed				First Filing Date: 9/25/1995		National Filing Date	
Sub Status				Sub Status Date		Parent Tax Base Date	
Parent Country				Parent Filing Date		Parent Expiration Date	
Parent Number	08/533589			Parent Grant Date			
Application Number	08/717042			Application Date: 9/20/1995		Tax Base Date	
Patent Number				Grant Date		Next Tax Date	
Publication Number				Publication Date		Expiration Date	

Multiple Designs

Convention Type: Based on Priority Case	Total Claims: 0	Designated States
Licensed?	Total Classes: 0	Classification Number
	Confirmation Number	

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